

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA, :
:
:
: **CASE No. 2:19-CR-174**
v. :
:
MICHAEL T. SUTHERIN : **CHIEF JUDGE MARBLEY**

**MOTION FOR LEAVE TO FILE SENTENCING MEMORANDUM
IN EXCESS OF PAGE LIMITATION**

Now comes the United States, by and through undersigned counsel, and respectfully requests permission from the Court to file the Government's Memorandum in Aid of Sentencing, which is in excess of the ten-page limit established by prior Court order. The reasons for this request are set forth below.

On February 19, 2020, the defendant, Michael T. Sutherin, pleaded guilty to Counts Three, Six, Nine and Eleven of the Indictment pending against him, which charged him in Counts Three and Nine with coercion or enticement of a minor, in violation of 18 U.S.C. § 2422(b), and in Counts Six and Eleven with Receipt of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2). The final Pre-sentence Investigation Report (“PSR”) was disclosed on July 28, 2020, and the defendant filed a sentencing memorandum on October 20, 2020. In the PSR and/or the defendant’s sentencing memorandum, the defendant has raised and discussed at length objections to the PSR and issues pertaining to his Autism Spectrum Disorder (“ASD”).

The parties have been ordered by this honorable Court to file sentencing memoranda, not exceeding ten pages, except by leave of the Court, addressing the applicability of the factors contained in 18 U.S.C. § 3553(a) and any potential bases for deviation from the applicable sentencing guideline range. (Doc. 60, Notice). The defendant previously filed a motion seeking

leave of the Court to file a sentencing memo in excess of the ten-page limitation, and subsequently filed an approximately 75-page sentencing memo, as well as more than 100 pages of attachments. While the government does not seek to file nearly as lengthy of a memorandum as the defendant has, the nature of the evidence, a summary of which comprised four-and-one-half pages of the plea agreement, is complicated and voluminous. In addition to addressing the facts and evidence in this case, the government must also respond to the defendant's objections to the PSR and at least a portion of the arguments raised in his lengthy sentencing memorandum, and must also present information pertaining to restitution requests. In light of all of the information and evidence that must be reviewed to properly address the § 3553(a) factors and the arguments to which the government must respond, it is not possible to limit the government's sentencing memorandum to the usual page-limitation rule.

The government respects the rules of this Court, and seeks permission to file a sentencing memo in excess of the Court's rules only because it is believed to be necessary in light of the arguments of the defendant to which the government must respond.

Wherefore, for all of the foregoing reasons, the government respectfully requests that the Court permit the government to file a sentencing memorandum in excess of the ten-page limit established by prior Court order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served this 10th day of November, 2020, electronically through the Court's online filing system, upon all counsel of record for the defendant, Michael Sutherin.

HEATHER A. HILL (IL 6291633)
Assistant United States Attorney